

**FILED**

**FEB 27 2013**

**New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
APPLICATION OF

SHUN YU CUI

TO PRACTICE AS A  
MASSAGE AND BODYWORK THERAPIST  
IN THE STATE OF NEW JERSEY

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FINAL ORDER OF  
DENIAL OF CERTIFICATION/  
LICENSURE

This matter was opened to the Board of Massage and Bodywork Therapy (the Board) upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The applicant, Shun Yu Cui, applied to the Massage, Bodywork and Somatic Therapy Examining Committee for certification as a therapist by means of an application dated August 8, 2011.

2. On Ms. Cui's application, she checked "no" in response to the questions as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense.

3. Ms. Cui underwent a criminal history background check which indicated that she had been arrested on December 14, 2007. Ms. Cui had been charged with engaging in sexual activity with an undercover police officer in exchange for money in violation of N.J.S.A. 2C:34-1(b)(1). Ms. Cui pled guilty to a municipal ordinance violation on September 24, 2008, and was fined \$100.500 and assessed \$20.00 in costs.

4. Ms. Cui was asked, on behalf of the Committee, to provide additional information in three communications dated respectively November 14, 2011, February 14, 2012 and May 31, 2012 to provide a copy of the transcripts of sentencing for the September 24, 2008 conviction, and an explanation of the facts and circumstances that led to the arrest. The communications were sent by certified and regular mail. A communication dated January 25, 2012 provided a brief and inadequate explanation of the events that led to the arrest. The certified mailings of the February 14, 2012 and May 31, 2012 mailings were received, and the regular mailings were not returned. (Exhibit C) No response has been received to date.

#### CONCLUSIONS OF LAW

1. Ms. Cui's failure to disclose on her application that she had been arrested in 2007 on charges relating adversely to the practice of massage and bodywork therapy, and subsequently

convicted of an ordinance violation, constitutes a violation of N.J.S.A. 45:1-21(b).

2. Ms. Cui's inadequate response to the request to describe the events that led to her arrest, and her failure to provide the transcripts of the September 24, 2008 conviction, constitute a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting her to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification/Licensure was entered on November 15, 2012, provisionally denying Ms. Cui's application for certification, deemed to constitute an application for licensure as of September 4, 2012. A copy of the Order was forwarded to the applicant by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless the applicant requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all written evidence supporting the applicant's request for consideration and reasons therefor.

Although the record reflects that the certified mailing of


the Provisional Order was signed for, and the regular mailing was not returned, no response has been received to date. The Board determined that service had been effected, inasmuch as the orders had been sent to the applicant's address of record with the Board. The Board further determined that inasmuch as no material discrepancies had been raised with respect to the Findings of Fact and Conclusions of Law, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 27<sup>th</sup> DAY of February, 2013,  
ORDERED that:

1. Ms. Cui's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, which as of September 4, 2012, pursuant to P.L. 2007, c. 377, "The Massage and Bodywork Therapist Licensing Act," has been converted into an application for licensure, is hereby denied for the violation of N.J.S.A. 45:1-21(b) and (e).

MESSAGE, BODYWORK AND SOMATIC  
THERAPY EXAMINING COMMITTEE

By:   
Deborah Overholt  
Chairperson